

IN THE UNITED STATES COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Randall Kelton, Kara Bell, §
§
Plaintiffs, §
§
v. §
§
Nordstrom, Inc. (d/b/a Nordstrom Rack), §
Kelsie Fucci, Nathan Hecht, Sharon Keller, §
Keller, Jose Garza, Rob Stuart Drummond, §
Barbara Hervey, Bert Richardson, Kevin §
Yeary, David Newell, Mary Lou Keel, §
Scott Walker, Michelle Slaughter, Jesse F. §
McClure III, Megan LaVoie, Thea Whalen, §
Deadra Stark, Kelly Damphouse, Nathan §
Cradduck, Gail Bell, Travis County Sheriff §
Deputy Name Unknown, Sally Hernandez, §
Lenn Carter, Robert Eller, Crystal Gill, §
Marc Bruner, Kenton Johnson, Barbara §
Boulware-Wells, Jeff Ullmann, Audrey §
Guthrie, Sam Bassett, Sara Donovan, §
§
Defendants. §

CIVIL ACTION NO. 1:23-cv-00395

DEFENDANT BELL'S RESPONSE TO PLAINTIFFS'
MOTION TO STRIKE RULE 12 MOTION

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION:

NOW COMES Defendant GAIL BELL and in response to Plaintiffs' Motion to Strike Rule
12 Motion, submits this her Response:

I.

On September 14, 2023, Plaintiffs filed their Motion to Strike the Fed.R.Civ.Proc 12 (b)
Motions to Dismiss of 16 Defendants, including Defendant Gail Bell. As near as can be
deciphered, the sole basis of the Motion to Strike is that Defendant Bell's Motion to Dismiss was

“filed improperly as the Attorney General lacked standing to represent persons sued in their private capacity.” (Motion to Strike at 1).

II.

Defendant Bell is not represented by the Attorney General, but by private counsel. Accordingly, Plaintiffs’ Motion to Strike is frivolous; should be denied; and the Court should take whatever action it deems appropriate under Fed.R.Civ.Proc. 11(c)(3).

For these reasons, Defendant Bell respectfully requests that Plaintiffs’ Motion to Strike be Denied.

Respectfully submitted,

GRAY & BECKER, P.C.
900 West Avenue
Austin, Texas 78701
Tel: (512) 482-0061
Fax: (512) 482-0924

By: Douglas M. Becker
Douglas M. Becker
State Bar No. 02012900
Doug.becker@graybecker.com
Monte Swearengen
State Bar No. 18871700
monte.swearengen@graybecker.com
Attorneys for Defendant Gail Bell

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 18, 2023, to the following as follows:

Kara Bell, Plaintiff
P. O. Box 341703
Lakeway, Texas 78734
KaraBell@FedUpTexans.com

Randall Kelton, Pro Se Plaintiff
P.O. Box 1
113 S. Allen St.
Boyd, TX 76023
randy@ruleoflawradio.com

A. Craig Carter
ccarter@jackson-carter.com
JACKSON & CARTER, PLLC
6514 McNeil Drive
Bldg. 2, Suite 200
Austin, Texas 78729
Attorney for Defendants
Texas Association of Counties; Nathan Cradduck

Angela Colmenero
Provisional Attorney General
Brent Webster
First Assistant Attorney General
Grant Dorfman
Deputy First Assistant General
James Lloyd
Acting Deputy Attorney General For Civil Litigation
Kimberly Gdula
Deputy Chief, General Litigation Division
Ryan Kercher
Deputy Chief, General Litigation Division
Scot M. Graydon
Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Attorneys for Defendants
Dr. Kelly R. Damphousse,
Judge Sharon Keller,
Megan Lavoie, Thea Whalen,
Chief Justice Nathan Hecht
Judges Barbara Hervey, Bert Richardson, Kevin Yeary, David Newell, Mary Lou Keel, Scott Walker, Michelle Slaughter, And Jesse F. McClure, III

Delia Garza
Travis County Attorney
Anthony J. Nelson
Patrick T. Pope
Assistant County Attorney
P. O. Box 1748

Austin, Texas 78767

Tony.Nelson@traviscountytx.gov

Patrick.Pope@traviscountytx.gov

Attorneys For Defendant Travis County

Sheriff Sally Hernandez; Travis County Assistant District

Attorney Rob Drummond; Travis County District Attorney Jose Garza

Michael B. Johnson

Leslie L. Sun

THOMPSON COE COUSINS & IRONS, LLP

2801 Via Fortuna, Suite 300

Austin, Texas 78746

E-Mail: mjohnson@thompsoncoe.com

E-Mail: lsun@thompsoncoe.com

Counsel for Defendants

Sam Bassett And Sara Donovan

Maryalyce W. Cox

MEHAFFY WEBER, P.C.

500 Dallas Street, Suite 2800

Houston, TX 77002

maryalycecox@mehaffyweber.com

ATTORNEYS FOR DEFENDANTS

NORDSTROM, INC. AND KELSIE FUCCI

Benjamin J. Gibbs

Texas Municipal Courts Education Center

2210 Hancock Drive

Austin, Texas 78756

Email: gibbs@tmcec.com

Attorney For Defendant Deadra Stark

Scott M. Tschirhart

Denton Navarro Rocha Bernal & Zech, P.C.

2500 W. William Cannon Drive, Suite 609

Austin, Texas 78745

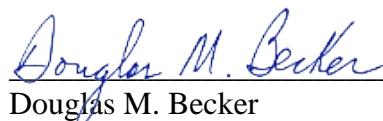
smtschorhart@rampagelaw.com

Attorneys for Sunset Valley Defendants -

Lenn Carter, Robert Eller, Crystal Gill, Marc

Bruner, Kenton Johnson, Barbara Boulwarewells,

Jeff Ulman, and Audreyy Guthrie



Douglas M. Becker